



MINUTES OF THE REGULAR MEETING  
OF THE PLANNING COMMISSION  
CITY COMMISSION CHAMBERS, CITY HALL  
THURSDAY, SEPTEMBER 19, 2013 4:30 P.M.

The Planning Commission of the City of Leesburg held its regular meeting Thursday, September 19, 2013, in the Commission Chambers at City Hall. Chairman James Argento called the meeting to order at 4:30 p.m. The following Commission members were present:

James Argento  
Clell Coleman  
Agnes Berry  
Charles Townsend  
Frazier J. Marshall  
Ted Bowersox

City staff that was present Dan Miller, Senior Planner, and Dianne Pacewicz, Administrative Assistant II. City Attorney Fred Morrison was also present.

The meeting opened with an invocation given by Commissioner Agnes Berry and the Pledge of Allegiance to the Flag.

Dan Miller, Senior Planner, informed the audience of the rules of participation and the need to sign the speaker's registry. He also informed Commissioners and the audience of the City Commission meeting dates tentatively scheduled.

Dianne Pacewicz swore in staff as well as anyone wishing to speak.

**MINUTES OF PLANNING & ZONING COMMISSION MEETING FOR AUGUST 8, 2013.**

**Commissioner Ted Bowersox moved to APPROVE the minutes from the AUGUST 8, 2013 meeting. Commissioner Charles Townsend SECONDED the motion, which was PASSED by a vote of 6 to 0.**

**NEW BUSINESS**

**1. PUBLIC HEARING CASE # RZ-13-107 – NORHEN PROPERTIES – PLANNED DEVELOPMENTS REZONING**

AN ORDINANCE OF THE CITY OF LEESBURG, FLORIDA, AMENDING AN EXISTING PUD (PLANNED UNIT DEVELOPMENT) ZONING ON APPROXIMATELY 8.5 ACRES TO ADD MEDICAL USES FOR A PROPERTY LOCATED ON THE WEST SIDE OF THE INTERSECTION OF CR25A AND U.S. 27, WEST OF CONNELL ROAD AS LEGALLY DESCRIBED IN SECTION 03, TOWNSHIP 20, RANGE 24, IN LAKE COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE. **(CITY COMMISSION DATES - 1<sup>st</sup> READING ON OCTOBER 14<sup>TH</sup>, 2013 AND A 2<sup>ND</sup> READING ON OCTOBER 28<sup>TH</sup>, 2013)**

Dan Miller entered and presented the exhibits into record. The exhibit items included the staff summary,

departmental review summary, staff recommendations, general location/aerial map, land use and zoning maps, wetlands and flood zone map, site photos, and conceptual site plan.

There were two comments received from the City departments.

“Case # RZ-13-107 – Norhen Properties is approved by the City of Leesburg Gas Dept, per Kim Keenan – Gas Distribution Coordinator. Natural gas is available in the area and will be required if more than 5 residential properties are to be constructed. 80% of homes must have a natural gas water heater and furnace. Please contact Kim Keenan with any questions 352-435-9420.”

“A small portion, along the southern boundary and the southern ½ of the western boundary, of this parcel is within the flood plain. The base flood elevation has been determined at 64.0 feet. Construction in the flood plain must meet flood plain construction standards; insurance/mortgage institutions may require flood insurance or a LOMA certification from FEMA excluding structures.” – DC Maudlin – 9/4/13

There were no public responses received for approval and no responses were received for disapproval.

The Planning & Zoning staff recommended the approval of the request for the following reasons:

1. The proposed zoning amendment to the existing PUD (Planned Unit Development) is compatible with adjacent property to the south zoned County R-6 (Urban Residential), to the west County R-6 (Urban Residential) and County RMRP (Mobile Home Rental Park), to the east City P (Public), City C-3 (Highway Commercial), County CP (Planned Commercial), City PUD (Planned Unit Development) and County C-1 (Neighborhood Commercial), and to the north zoned County RMRP (Mobile Home Rental Park) and County C-2 (Community Commercial). As conditioned, the proposed use does not appear to be detrimental to surrounding properties.
2. The proposed zoning district PUD (Planned Unit Development) as conditioned and shown in the attached “Exhibit A” is compatible with the current City Future Land Use designation of Low Density Residential.
3. The rezoning of the subject properties is consistent with the City’s Growth Management Plan, Future Land Use Element, Goal I, and Objective 1.6.

Action Requested:

1. Vote to approve the recommendation to rezone the subject property with the proposed Norhen Properties, Inc. Planned Development Conditions attached hereto as Exhibit A and forward to the City Commission for consideration.

Dan Miller highlighted the following in the PUD conditions to expedite.

3. LAND USE  
The above-described property, containing approximately 8.57 acres, shall be used for an assisted living facility at seven (7) units per gross acres pursuant to City of Leesburg development codes and standards.
  - A. Uses
    - 1) Uses shall be those listed as permitted uses in this document and shall occupy the approximate area as shown on the Conceptual Site Plan Exhibit C.
    - 2) Permitted Uses shall be as follows:
      - a. Assisted living facility development and associated uses with fifty-one (51) units or 306 assisted living residents (six residents equal one unit).
      - b. Medical uses.
      - c. Office uses.
    - 3) Uses prohibited shall be as follows except for Permitted Uses A. 2):
      - a. Commercial and industrial uses

- b. Any other similar uses which are not considered office or commercial in character or intensity which may adversely impact the adjoining properties do to traffic, noise, dust, etc.
- B. Area  
The Impervious surface coverage for this site shall not exceed seventy (70) percent of the gross site area.
- C. Open Space  
A minimum of thirty (30) percent of the site shall be developed as open space, including retention areas, buffer and landscaped areas. Parking areas and vehicle access areas shall not be considered in calculating open space.

5. DESIGN REQUIREMENTS

- A. Exterior building materials contribute significantly to the visual impact of a building on the community. They shall be well designed and integrated into a comprehensive design style for the project. The total exterior wall area of each building elevation shall be composed of one of the following:
  - 1) At least thirty-five percent (35%) full-width brick or stone (not including window and door areas and related trim areas), with the balance being any type of lap siding and/or stucco.
  - 2) At least thirty percent (30%) full-width brick or stone, with the balance being stucco and/or a “cementitious” lap siding. (A “cementitious” lap siding product is defined as a manufactured strip siding composed of cement-based materials rather than wood fiber-based or plastic-based materials. For example, Masonite or vinyl lap siding would not be allowed under this option).
  - 3) All textured stucco, provided there are unique design features such as recessed garages, tile or metal roofs, arched windows etc. in the elevations of the buildings or the buildings are all brick stucco. Unique design features shall be reviewed by the Community Development Director for compliance.
- B. Other similar design variations meeting the intent of this section may be approved at the discretion of the Community Development Director.

6. DEVELOPMENT STANDARDS

- A. The minimum development standards shall be those required for the PUD district except as amended by these conditions and may limit the permitted uses based on site plan requirements.
- B. Minimum building setbacks shall be fifty (50) feet from the property boundaries.
- C. Maximum building height for residential structures shall not exceed two (2) stories or 30 feet adjacent to single family residential areas except that for each two (2) foot of additional setback from the required setback, an additional one (1) foot of height above two stories shall be permitted not to exceed three (3) stories or thirty-five (35) feet.
- D. A wildlife/archaeological management plan for the project site shall be prepared based on the results of an environmental assessment of the site and any environmental permit required from applicable governmental agencies. The management plan shall be submitted to the City as part of the preliminary plan application. The Permittee shall designate a responsible legal entity that shall implement and maintain the management plan.
- E. The permittee shall construct off-street parking spaces within the development pursuant to the City of Leesburg Code of Ordinances, as amended, which shall include the required number of handicapped parking spaces.

9. TRANSPORTATION IMPROVEMENTS

- A. Any transportation improvements or right-of-way that may be required shall be based on projected needs and shall be contingent upon site plan approval by City staff during the development review and permitting process.
- B. Vehicular access to the project site shall be provided by County Road 25A and US 27 for both primary and emergency access. The accesses shall be a two lane divided boulevard type entrance road. Any other potential accesses such as to adjacent properties will be reviewed by the Development Review Committee during site plan process.
- C. The Permittee shall provide all necessary improvements/signalization within and adjacent to the development as required by Lake County, the MPO and City of Leesburg.
- D. All roads within the development shall be designed and constructed to meet the City of Leesburg requirements.
- E. The Permittee shall be responsible for obtaining all necessary Lake County permits and a copy of all permits shall be provided to the City of Leesburg prior to site plan approval.
- F. The City of Leesburg will not be responsible for the maintenance or repair of any of the roads or transportation improvements. The Permittee shall establish an appropriate legal entity that will be responsible to pay the cost and perform the services to maintain the roads and transportation improvements.
- G. A traffic/transportation study shall be submitted prior to site plan approval for review and determination of any necessary access improvements, including any off site improvements required by Lake County, the MPO or the City of Leesburg. Said improvements will be the responsibility of the Permittee.
- H. The development shall dedicate to the city at its northeast corner a sufficient easement as needed to facilitate the development of an approved adjacent 40 foot easement for a multi-purpose trail, he including utilities, drainage, amenities etc. This easement shall be dedicated to the City upon platting and/or site plan approval of the property. If the City's trail system is developed adjacent to the required trail easement and the project has not completed all of its building construction, the developer will be required to complete construction of the required trail section. However, if the City's completed trail has not reached the proposed trail section, the developer shall escrow funds to the City for the cost of the improvements as determined by their engineer and approved by the City.

10. LANDSCAPING AND BUFFER REQUIREMENTS

- A. All landscaping and buffering shall be in accordance with regulations contained within the City of Leesburg Code of Ordinances including;
  - 1) For each one hundred (100) linear feet, or fraction thereof, of boundary, the following plants shall be provided in accordance with the planting standards and requirements of the City of Leesburg Code of Ordinances, as amended.
    - a. Two (2) canopy trees
    - b. Two (2) ornamental trees
    - c. Thirty (30) shrubs
    - d. The remainder of the buffer area shall be landscaped with grass, groundcover, and/or other landscape treatment.
    - e. Existing vegetation in the required buffer shall be protected during construction.
- B. In addition, development of a required buffer on the west and north property lines shall include an (8) foot high PVC fence with decorative posts and caps as seen on Exhibit D with landscape canopy trees installed along the property lines on the development as a visual buffer to adjacent residential properties.
- C. Variations to the landscape requirements of the code may be approved by the Community Development Director as long as the intent of the PUD and the Landscaping Code are maintained including consideration of existing fencing on adjacent properties and existing natural vegetative buffers.

12. DEVELOPMENT PHASING

- A. The proposed project may be constructed in phases in accordance with the Planned Unit Development Conditions and Conceptual Plan. Changes to the Development Plan, other than those conditions described in this agreement, shall be revised in accordance with the Planned Development review process.
- B. Implementation of the project shall substantially commence within 36 months of approval of this Planned Development. In the event, the conditions of the PUD have not been substantially implemented during the required time period, the PUD shall be scheduled with due notice for reconsideration by the Planning Commission at their next available regular meeting. The Planning Commission will consider whether to extend the PUD approval or rezone the property to another appropriate zoning classification.

Ken Leeming, of International Engineering Consultants, stated that they are amending what has already been approved. He did have a question regarding the setbacks. He stated that he has no problem with the front setback, but he is wondering if there could be a modification for the setback in Parcel A. He would be left with very little in the center with the current setback of 50 foot. He is wondering if they could get something less restrictive.

Mr. Miller stated that the 50 foot setback is from the property boundaries. If the parcels are divided then that would change where the setbacks would have to be from. Mr. Miller asked if it was possible to move the clinic more north. Mr. Leeming said that northern access would not work for the drop-off area if the site plan was changed.

Attorney Morrison said that the Board has to deal with the plan that they are presented with today, which is a unified Parcel A, not divided. If it is the intention of the developer to show it as a Parcel A and C, then it should have been labeled that way. What is being asked is speculation over something that might never happen. If that is the intent, then they need to postpone and re-do the site plan, and come back with A, B, and C.

Mr. Miller stated that the staff's intent was to protect the residential boundaries, which is below Parcel B. This is a conceptual plan, and that they can't really deal with the issue at this Board without changing the site plan.

Mr. Leeming stated that the general idea was to put the VA Clinic away from the residential. Mr. Miller stated that something will be able to be worked out.

Mr. Leeming said regarding condition H and the 40 foot trail easement, there is a small part of Parcel A that encroaches on the easement. Mr. Miller acknowledged that it was there.

Chairman Argento asked the applicant if he wanted the Board to vote tonight or continue the project to the next Planning Commission meeting. Mr. Leeming stated that he would like to proceed with the vote.

Chairman Argento asked of staff and the City Attorney that if he needs to go back and address anything further, will he need to come back before the Board. Attorney Morrison answered that the site plan does not indicate the division of Parcel A. So, at minimum, he would need to come back and show that as a separate parcel, as he did with the different tracts of Parcel B. Right now it is showing a unified parcel. They would need subdivision approval and another amendment to the PUD. Mr. Miller inquired that if they do decide to divide Parcel B, if they would need to come back with a Plat. Attorney Morrison stated that he will have to look into that.

Commission Townsend asked if the Board is just voting on what is exactly in front of them. Attorney Morrison answered that was correct.

**Commissioner Agnes Berry made a motion to POSTPONE case # RZ-13-107 – NORHEN**

**PROPERTIES – PLANNED DEVELOPMENTS REZONING until they get to the Board all of the necessary details.**

Commissioner Bowersox commented that the staff has advised the Board that they will be able to work it out. The timeline is important to get a VA Clinic for our Veterans. He would like to move forward and accommodate the applicant for what he wants to do, without postponing the process.

Attorney Morrison stated that what the Board is voting on is what the staff presented, which shows a unified Parcel A with one structure on it, as well as the 50 foot setback.

Commissioner Townsend stated that this is part one of the process. This will allow the applicant to move forward to the next step.

**Commissioner Agnes Berry withdrew her motion to POSTPONE case # RZ-13-107 – NORHEN PROPERTIES – PLANNED DEVELOPMENTS REZONING.**

This was the end of the discussion and the voting then took place.

**Commissioner Frazier J. Marshall made a motion to APPROVE case # RZ-13-107 – NORHEN PROPERTIES – PLANNED DEVELOPMENTS REZONING. Commissioner Charles Townsend SECONDED the motion which, PASSED by a unanimous voice vote of 6 to 0.**

**DISCUSSION ITEM**

None

**ANNOUNCEMENTS**

The next scheduled meeting date is October 23, 2013.

The meeting adjourned at 5:40 p.m.

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James Argento, Chairperson

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Clell Coleman, Vice Chairperson

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Dianne Pacewicz, Administrative Assistant II